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TO : Examiner B. Brumback

COMPANY/FIRM : U.S. Patent and Trademark Office

FACSIMILE NO.: (703) 746-5004

FROM : Alan J. Morrison, Esq. *(AS)*

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: _____

DATE : December 3, 2001 TIME: _____

CLIENT/DOCKET : 50130-E (Serial No.: 09/126,559)

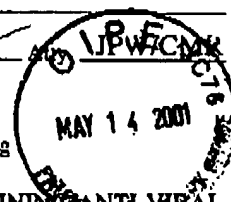
MESSAGE:

Further to your request during our telephone conference earlier today, I am again transmitting herewith a copy of the CPA papers submitted to the U.S. Patent and Trademark Office on May 14, 2001 in connection with the above-identified application. For your convenience, we have inserted a sheet marked "Exhibit A" in place of the corresponding originally submitted Exhibit tab.

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0415.

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Applicant Daniel J. Capon et al.Client ViroLogic (2793) File No. 50130-EDate May 14, 2001

Kindly acknowledge receipt of the accompanying

CPA Appln: Daniel J. Capon et al.

For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL
DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL
DRUG SCREENING Rule 1.53 (d) Continued Prosecution Application
("CPA") of U.S. Serial No. 09/126,559, filed July 30, 1998, claiming
benefit of U.S. Provisional Application No. 60/054,257, filed July 30,
1997, consisting of a 2 page CPA Request Transmittal (in triplicate),
Preliminary Amendment including Exhibit A, a check in the amount of
\$475.00, and an Express Mail Certificate of Mailing bearing Label No. EL
525 963 635 US, dated May 14, 2001.

by placing your receiving date stamp hereon and returning to us.

Date Due: May 14, 2001

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Dkt. 50130-E/JPW/CMR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel J. Capon, Jeannette M. Whitcomb and
Neil T. Parkin

Serial No. : CPA of 09/126,559 Examiner: B. Brumback

Filed : July 30, 1998 Group Art Unit: 1642

For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-
VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND
ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas
New York, New York 10036
May 14, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: CPA

SIR:

PRELIMINARY AMENDMENT

Please amend the above-identified application as follows:

IN THE CLAIMS:

✓
Please amend claims 1, 37 and 55-58 under the provisions of 37
CFR §1.121(c). Claims 1, 37 and 55-58 as amended recite as
follows:

1. (Amended) A method for determining susceptibility of
hepatitis C viral replication to an anti-hepatitis C virus
(HCV) drug comprising:
- (a) introducing a resistance test vector comprising
a patient-derived segment which comprises a
hepatitis C virus (HCV) gene and an indicator
gene into a host cell;
 - (b) culturing the host cell from (a);
 - (c) measuring expression of the indicator gene in a
- EL
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